

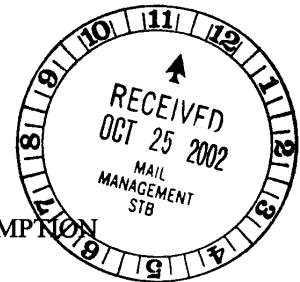
FILED

OCT 25 2002

BEFORE THE

206495

**SURFACE
TRANSPORTATION BOARD**



Abandonment of a line of Railroad
Between BNSF M.P. 58.05
and M.P. 58.26 in Ottawa,
Franklin County, Kansas

NOTICE OF EXEMPTION
Docket No. AB-6
(Sub-No. 396X)

TO THE SURFACE TRANSPORTATION BOARD:

DI# 0162057001

The Burlington Northern and Santa Fe Railway Company (BNSF) hereby notifies the Board that it intends to abandon its line of railroad between BNSF M.P. 58.05 and M.P. 58.26 in Ottawa, Franklin County, Kansas, a total distance of 0.21 miles, pursuant to the Board's Exemption of Out of Service Rail Lines, 49 C.F.R. § 1152.50 and in support of the Notice, respectfully provides the following information:

- I. Proposed consummation date for the abandonment.

December 14, 2002

ENTERED
Office of Proceedings

OCT 27 2002

Part of
Public Record

- II. Certification required in 49 C.F.R. § 1152.50(b)

The attached Certification of Michael Smith certifies that no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years. The attached Verification of Richard A. Batie certifies that no local traffic has moved over this line for at least two (2) years and any overhead traffic on the line can be rerouted over other lines.

- III. Information required by C.F.R. § 1152.22(a)(1-4), (7), (8) and (e)(4).

FEE RECEIVED

OCT 29 2002

**SURFACE
TRANSPORTATION BOARD**

(a) General

- (1) Exact name of Applicant.

The Burlington Northern and Santa Fe Railway
Company

- (2) Whether applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

Applicant is a common carrier by railroad subject to 49 U.S.C. Subtitle IV, Chapter 105.

- (3) Relief sought.

BNSF seeks an exemption from Surface Transportation Board approval authorizing the abandonment and discontinuance of service of the Ottawa, Kansas line specified above.

- (4) Detailed map of the subject line.

See Exhibit A.

- (5) Name, title and address of representative of applicant to whom correspondence should be sent.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr., Suite 3000
Chicago, IL 60606-6677

- (6) List of all United State Postal Service ZIP Codes that the line traverses.

The Ottawa, Kansas line traverses United States Postal Service Zip code 66067.

- (7) Statement of whether the properties proposed to be abandoned are suitable for other public purposes, including roads or highways, other forms of mass transportation, conservation, energy production or transmission or recreation. If the applicant is aware of any restriction on the title to the property, including any reversionary interest, which would affect the transfer of title or the use of property for other than rail purposes, this shall be disclosed.

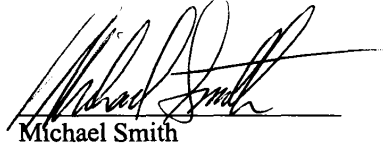
The right of way may be suitable for use for other public purposes such as a trail. On part of the properties involved, title considerations may affect the conveyance of the land for use other than railroad purposes. Based on information in our possession, there is no federally granted right of way within the Ottawa, Kansas trackage. Any documentation in the railroad's possession will be made available promptly to those requesting it.

IV. Level of protection.

The interest of railroad employees will be protected by the conditions imposed in Oregon Short Line RR Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979)

- V. Certification that the notice requirements of §§ 1152.50(d)(1) and 1105.11 have been met. attached.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

Date: October 24, 2002

VERIFICATION

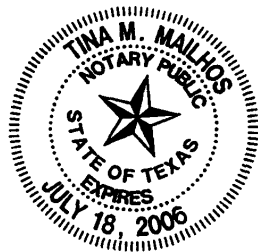
STATE OF TEXAS)
)ss
COUNTY OF TARRANT)

Richard A. Batie makes oath and says he is Manager, Shortline Development in the Network Development department of The Burlington Northern and Santa Fe Railway Company; that he has been authorized by the Applicant to verify and file with the Surface Transportation Board the foregoing Notice of Exemption in AB-6 (Sub-No. 396X); that he affirms that the line has had no local traffic in the prior two (2) years and that there is no overhead traffic to be rerouted; that he has carefully examined all of the statements in the Notice; that he has knowledge of the facts and matters relied upon in the Notice; and that all representations set forth therein are true and correct to the best of his knowledge, information, and belief.



Richard A. Batie
Manager, Shortline Development

Subscribed and sworn to before me the 22 day of October, 2002.

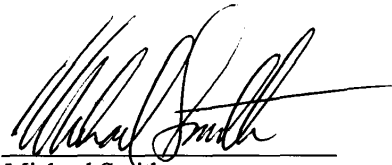



Notary Public

THE BURLINGTON NORTHERN AND SANTA FE RAILWAY COMPANY
NO. AB-6 (Sub No. 396X)

CERTIFICATION

I hereby certify that (1) no formal complaint filed by a user of rail service on this line (or a state or local government entity acting on behalf of such user) regarding cessation of service over the line is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two (2) years; (2) service of notice upon the U.S. Department of the Interior, National Park Service, Recreation Park Service, Land Resource Division; the Department of Defense, Military Traffic Management Command; the Kansas Corporation Commission; the Kansas Department of Transportation; and the Chief Forest Service, U.S. Department of Agriculture was accomplished by mailing a copy thereof on August 14, 2002; (3) the environmental and historic reports were serviced upon the agencies identified in 49 C.F.R. § 1105.7(b) and the State Historic Preservation Offices on August 14, 2002; (4) service of notice upon the State Clearinghouses was accomplished by mailing a copy thereof on August 14, 2002; and (5) the publication requirements of 49 C.F.R. § 1105.12 have been complied with, to wit: publication of notice was accomplished on August 21, 2002 in The Ottawa Herald, (the affidavit of publication is attached).



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 24, 2002

STATE OF KANSAS, FRANKLIN COUNTY, SS:

Jeanny Sharp, of lawful age, being first duly sworn, deposeth and saith that she is Publisher and Editor of the

Ottawa Herald

a daily newspaper published in the City of Ottawa, Franklin County, Kansas, and of general circulation in Franklin County, Kansas, and is not a trade, religious or fraternal publication, and which newspaper has been admitted to the mails as second class matter in said County, and which newspaper has been continuously and uninterruptedly published in said County during the period of five full years immediately prior to the first publication of the notice hereinafter mentioned, and that a notice, of which is hereto attached, was published in the regular and entire Wednesday issue of said Ottawa Herald for 1 day, first publication being made on the 21st day of August, 2002 A.D., with final publication on the 21st day of August, 2002 A.D.

And affiant further says that she has personal knowledge of the statements above set forth, and they are true.

Jeanny Sharp

Subscribed and sworn to before me this 21st day of August, 2002 A.D.



Notary Public

Kathryn R. Miller

My Commission expires November 3, 2003

Printer fees \$59.64

Santa Fe Railway Company gives notice that on or after September 4, 2002, it intends to file with the Surface Transportation Board, Washington, DC 20423, an abandonment notice of exemption under 49 CFR 1152 Subpart F -- Exempt Abandonments permitting the abandonment of or discontinuance of service on 0.21 miles of railroad line between railroad milepost 58.05 and milepost 58.26 in Ottawa, which line segment traverses through United States Postal Zip Code 66067 in Franklin County, Kansas. The proceeding will be docketed as No. AB-6 (Sub-No. 396X).

The Board's Section of Environmental Analyses (SEA) will generally prepare an Environmental Assessment (EA), which will normally be available 25 days after the filing of the notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public and will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to the Section of Environmental Analyses, Surface Transportation Board, 1925 K Street, N.W., Washington, DC 20423-0001 or by calling that office at 202-565-1538.

Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. For original and 10 copies of any pleading that raises matters other than environmental issues (such as title, public use, and offers of financial assistance) must be filed directly with the Board's Office of the Secretary, 1925 K Street, N.W., Washington DC 20423-0001 [See 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicants' representative [See 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Services at 202-565-1592. Copies of any comments or requests for conditions should be served on the applicant's representative Michael Smith, Freshorn & Peters, 311 S. Wacker Drive, Suite 3000, Chicago, Illinois 60606-5007 or by e-mail at msmith@fpa.com.

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between M.P.
58.05 and M.P. 58.26 in Ottawa,
Kansas

Docket No. AB-6
(Sub No. 396X)

ENVIRONMENTAL REPORT

The following information is submitted to the Surface Transportation Board by The Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's Notice of Exemption for abandonment of its line between M.P. 58.05 and M.P. 58.26 in Ottawa, Franklin County, Kansas, total distance of 0.21 miles.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any railline and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed abandonment will have no effect on existing transportation systems or patterns as the line is out of service.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

The proposed abandonment should be consistent with local land use plans. See Exhibit B, June 12, 2001 letter from the City of Ottawa, Exhibit C, June 22, 2001 letter from the City of Ottawa; see Exhibit D, letter from the Franklin County Historical Society.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agriculture land.

The proposed abandonment will have no effect on prime farmland. See Exhibit E, letters from the United States Department of Agriculture, Natural Resources Conservation Service.

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

The proposed abandonment is suitable for alternative public use. See Exhibit B, June 12, 2001 letter from the City of Ottawa, see exhibit C, June 22, 2001 letter from the City of Ottawa and see Exhibit D, letter from the Franklin County Historical Society.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

This abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as the line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

This abandonment will not result in an increase or decrease in overall energy efficiency as the line is out of service.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

There will be no diversions of traffic because the line is out of service.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% or 50 vehicles a day on any affected road segment as the line is out of service.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

The proposed abandonment will not result in an increase of rail or truck traffic because the line is out of service.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This abandonment should have no adverse effect on health or public safety. There are two public crossings and no private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste site or sites where there have been known hazardous materials spills on the right of way.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

There will be no significant impacts to endangered or threatened species. See Exhibit F, letter from the State of Kansas Department of Wildlife and Parks.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The abandonment will not impact any public recreational areas. See Exhibit F, letter from the State of Kansas Department of Wildlife and Parks. The United States Department of the Interior, Bureau of Land Management has indicated that there are no federal wildlife sanctuaries or National or State parks that will be affected by the abandonment. See Exhibit G. The Bureau of Land Management has also indicated that there are no public lands or minerals that would be impacted by the proposed abandonment. See Exhibit G.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

If there are any impacts to bridges that during the activity may impede water in the stream, a permit from the Department of Agricultural-

Division of Water Resources for the Stream may be obtained. See Exhibit H, letter from the Kansas Department of Health & Environment. BNSF does not anticipate any such impacts.

The proposed abandonment will not include the construction of any facility, levee, floodplain fill or any other structure that will control, regulate or change the flood waters or a stream or watercourse in Kansas. Therefore, the abandonment will not be subject to the provisions of K.S.A. 24-126 or 24-105. The proposed abandonment will not diminish the current or cross section of a stream or watercourse in Kansas, therefore the provisions of K.S.A. 82a-301 to 305a do not apply. Pipeline and/or cable will not cross a stream with a drainage area greater than 50 square miles. Therefore the proposed abandonment is consistent with applicable Federal, State and local water quality standards. See exhibit I, letter from the Kansas Department of Agriculture.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The proposed abandonment will not involve the discharge of dredged or fill materials in waters of the United States. Therefore, Section 404 permit is not required. See exhibit J, letter from the Department of the Army, Kansas City District, Corps of Engineers. The proposed abandonment should have no affect on 100-year floodplain. This area is protected by flood dikes constructed by the Army Corps of Engineers. See

Exhibit K, letter from the City of Ottawa and Exhibit L, letter from the Franklin County Emergency Management.

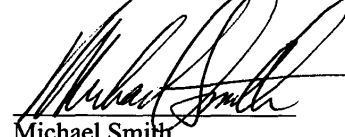
(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

If construction activity exceeds five acres of soil surface disturbance, BNSF may need to submit a Notice of Intent form to be covered by the Kansas general permit for construction stormwater discharges. If construction is expected to continue beyond March 10, 2003 the need to submit a Notice of Intent form for construction stormwater discharge would be reduced to one acre. See Exhibit H, letter from the Kansas Department of Health and Environment. BNSF does not anticipate soil disturbance of more than 5 acres.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith

Freeborn & Peters

311 S. Wacker Dr. Suite 3000

Chicago, Illinois 60606-6677

Phone: (312) 360-6724

Fax: (312) 360-6598

Date: October 24, 2002

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company
Notice of Exemption to Abandon
Its Line of Railroad Between
M.P. 58.05 and M.P. 58.26
in Ottawa, Kansas

Docket No. AB-6
(Sub No. 396X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's Notice of
Exemption to abandon its line of railroad between M.P.58.05 and M.P. 58.26 in Ottawa,
Franklin County, Kansas, a total distance of 0.21 miles

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Historical
Society of Kansas and one copy is being provided to the Surface Transportation Board's
Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to
the extent known) and the topography and urban and/or rural characteristics of the
surrounding area:

The Ottawa, KS Trackage is located in the city of Ottawa, Kansas which has a population of 11,921 as listed in the 2002 Rand McNally road atlas. The corridor is 80 feet wide with the exception of one parcel which is 150 feet by 150 feet. Immediately south of the trackage is the Prairie Spirit Rail Trail which used to be an Atchison Topeka and Santa Fe Railway Company (ATSF) line going south to Iola, KS. The ATSF sold the approximate 52 mile Ottawa to Iola line to KCT Railway Company in May, 1990. KCT subsequently abandoned the line and it was converted into a recreational trail. The City of Ottawa wishes to acquire the Ottawa trackage in order to connect the Prairie Spirit Rail Trail to the Ottawa railroad depot which is owned by the Franklin County Historical Society.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are no buildings or structures on the property or in the surrounding area that are 50 years old or older.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

N/A

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The Ottawa, KS Trackage was acquired by the Leavenworth, Lawrence & Galveston Railroad Company between 1868 and 1876. The Atchison Topeka and Santa Fe Railway Company subsequently acquired the Leavenworth, Lawrence & Galveston Railroad Company on February 15, 1899. In 1995 the ATSF merged with the Burlington

Northern Railroad to become The Burlington Northern and Santa Fe Railway Company.

The Ottawa, KS trackage has been out of service for several years and is no longer needed for rail operations.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Documents in BNSF's possession concerning this abandonment may include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

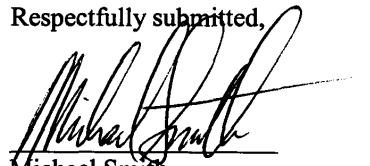
To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. Alongside the trackage of the proposed abandonment is the old Santa Fe Railroad Depot, a structure that was listed on the National Register of Historic Places on March 1, 1973. The building, which has a street address of 135 West Tecumseh Street, is owned by the Franklin County Historical Society and is used as a museum. See Exhibit D, letter from the Franklin County Historical Society and Exhibit M, letter from the Kansas State Historical Society. However, the abandonment should enhance the Old Depot Museum. The abandonment could allow the Old Depot Museum to reorient its entrance to the west and allow for the

extension of the Prairie Spirit Trail. This would enhance tourism in the area. See Exhibit D, letter from the Franklin County Historical Society. The Burlington Northern and Santa Fe Railway will leave some track in place in front of the Old Depot Museum and the Kansas State Historical Society believes that the abandonment will not affect any historic resources. See Exhibit N, letter from the Kansas State Historical Society.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 24, 2002

CERTIFICATION PURSUANT TO 49 C.F.R.1105.7(c)

The Burlington Northern and Santa Fe Railway Company ("BNSF") by and through its authorized representative, Michael Smith, certifies that on August 14, 2002, BNSF sent copies of the foregoing Environmental and Historical Reports by first class mail to the following agencies:

Ms. Victoria Rutson
Chief, SEA
Surface Transportation Board
1925 K Street, N.W.
Washington, DC 20423-0001

Richard Pankratz
Director of Historic Preservation
6425 SW Sixth Avenue
Topeka, Kansas 66615-1109

Paul Tanner
Bureau of Land Management
Amarillo Field Office
801 S. Filmore Street, Suite 500
Amarillo, TX 79191

Chris Nammoliti
Kansas Department of Wildlife & Parks
512 SE 25th Avenue
Pratt, KS 67124

Tracy Streeter
Kansas State Conservation Commission
109 SW 9th Street
Topeka, KS 66612

Ralph Morgenweck
Regional Director
U.S. Department of the Interior
U.S. Fish & Wildlife Services
P.O. Box 25486
Denver, CO 800025

Edward Dillingham
Kansas Department of Health and
Environment
Forbest Field - Building 283
Topeka, KS 66620

Donald E. Waymire
Franklin County Commissioner
315 South Main Street
Ottawa, KS 66067

Andy Haney
Public Works Director
City of Ottawa, Kansas
101 S. Hickory
Ottawa, Kansas 66067-2347

Sgt. Jimmie Dean
Franklin County Emergency Management
301 South Main
Ottawa, Kansas 66067

Steve Penaluna
U.S. Army Corps of Engineers
700 Federal Building
601 East 12th Street
Kansas City, MO 64106

Bob Lytle
Environmental Scientist
Technical Services Section
Kansas Department of Agriculture
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1176

Kansas Department of Transportation
915 Harrison, Room 754
Docking State Office Building
Topeka, KS 66612-1568

Kansas Corporation Commission
1500 SW Arrowhead Road
Topeka, KS 66604-2425

Joe Mester
Kansas Department of Health and
Environment
Bureau of Water
Industrial Programs Section
1000 SW Jackson, Suite 420
Topeka, Kansas 66612-1367

Ronald Hammerschmidt, PhD,
Director
Kansas Dept. of Health & Environment
Division of Environment
1000 SW Jackson, Suite 420
Topeka, Ks. 66612-1367

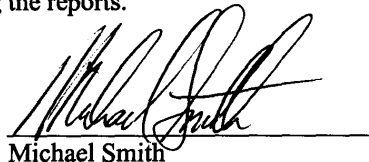
U.S. Environmental Protection Agency
Region 7
901 North 5th St.
Kansas City, KS 66101

U.S. Department of the Interior
National Park Service
Land Resource Division
1849 C Street, N.W.
Washington, DC 20240

Edward McKay
National Geodetic Survey
NOAA - SSMC3
1315 East-West Highway
Silver Spring, MD 20914

Tomas Dominguez
State Conservationist
Kansas Natural Resources Conservation
Service
760 S. Broadway
Salina, Kansas 67401 - 4642

The required cover letters (pursuant to 49 C.F.R. 1105.11) are attached hereto. BNSF has consulted with all appropriate agencies in preparing the reports.



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: October 24, 2002

A

**MAP WILL BE SCANNED
AT A LATER DATE**

B

CITY OF

D:\Data\RAILTRL.WPS



June 12, 2001

Re: BNSF Abandonment/Rail-banking for Recreational Trail Use

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Mr. Nettles:

The City of Ottawa, Kansas is in receipt of a copy of the letter you recently sent to the Franklin County Commission concerning abandonment of trackage in Ottawa between milepost 58.05 and 58.26 (0.21 miles). A previous BNSF abandonment abutting this proposed abandonment (to the south) was improved by the Kansas Department of Wildlife and Parks (KDWP) as the Prairie Spirit Rail Trail. The City of Ottawa wishes to see a portion of your proposed abandonment improved in a similar fashion, and will be interested in assuming control of that project if the KDWP does not wish to pursue such an improvement. The City of Ottawa believes improvement of a portion of the corridor to be consistent with existing land use plans, and will enhance recreational access in the City of Ottawa.

The abandonment proposed includes two (2) existing street crossings that must be repaired to City standards upon abandonment. Please have the appropriate person representing BNSF contact me concerning this issue.

There may also be an opportunity for BNSF to provide a community enhancement, as this abandonment fronts on the old Santa Fe Depot that has been converted for use as a museum by the Franklin County Historical Society.

Please contact me with any questions you may have that should be addressed by the City of Ottawa.

Sincerely,

Andy Harley
Public Works Director

cc: City Commissioners
Don Waymire, Franklin County Commission
Scott Lambers, City Manager
John Merrell, Planning Director
Clint Riley, KDWP Staff Attorney
Mike Stringer, KDOT Area Engineer
Deb Barker, Franklin County Historical Society

C



June 22, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

I am writing to you on behalf of the Ottawa City Commission with regards to the proposed abandonment of a portion of the Burlington Northern and Santa Fe Railway Company located in the City of Ottawa.

The City Commission supports the proposed abandonment in order for the existing State of Kansas Prairie Spirit Rail Trail to be extended to the City's Old Depot Museum. This extension will create a very desirable northern trail head in the City of Ottawa and will provide significant benefits to the community.

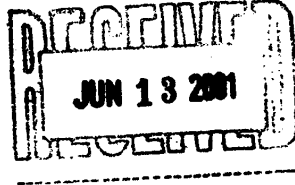
I have attached a letter from Ottawa Public Works Director Andy Haney and Ms. Deborah Barker of the Franklin County Historical Society.

If you have any questions concerning the City's support regarding the proposed abandonment, please contact me.

Very truly yours,

Scott Lambers
City Manager

D



FRANKLIN COUNTY HISTORICAL SOCIETY

DEBORAH BARKER
DIRECTOR

THE OLD DEPOT MUSEUM
135 W. TECUMSEH

THE DIETRICH CABIN
CITY PARK

THE ARCHIVES
& MAIN OFFICE
FRANKLIN CO. COURTHOUSE
315 S. MAIN, 3RD FLOOR EAST

June 11, 2001

Mr. Scott Lambers, City Manager
City of Ottawa
City Hall 101 S. Hickory
Ottawa, KS 66067

Dear Mr. Lambers:

The Franklin County Historical Society is aware that the Burlington Northern Santa Fe Railroad is abandoning their right-of-way from the north end of the Prairie Spirit Trail bridge north to (or past) the depot that currently functions as the Old Depot Museum, which is owned and operated by my organization.

We look forward to exploring alternative public uses for the tracks as a future extension of the Prairie Spirit Trail, as a link from Forest Park to downtown, and/or as a trailhead/museum parking lot which would enable the Old Depot Museum to reorient its entrance to the west.

The FCHS has designed an outdoor interactive kiosk to be placed along the right-of-way which will explain the historical significance of the Santa Fe railroad in Ottawa, including the railroad shops that once stood northwest of the depot. This now-unusable railroad corridor has many attractive possibilities that will enhance heritage tourism in the area.

Sincerely,

Deborah Barker

P.O. BOX 145
OTTAWA, KS 66067
785-242-1232
E-MAIL: HISTORY @ OTT.NET

E



United States Department of Agriculture
Natural Resources Conservation Service
444 Southeast Quincy, Suite 190 Phone: 785-295-2530
Topeka, KS 66683-3569 FAX: 785-295-7630

June 22, 2001

Brian Nettles
Freeborn & Peters, Attorneys at Law
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Re: The Burlington Northern and Santa Fe Railway Company Abandonment of Ottawa,
Kansas Trackage.

Dear Mr. Nettles:

Thank you for the opportunity to review the proposed abandonment of track by the
Burlington Northern and Santa Fe Railway Company.

Since the proposed track to be abandoned is located within the city limits of Ottawa,
Kansas, there are no negative impacts to Prime Farmland as defined by the Farmland
Protection Policy Act. I see no other negative environmental effects for which the Natural
Resources Conservation Service is responsible for evaluating.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ken Hoffman", followed by the words "acting for" in a smaller, less legible script.

Kenneth W. Hoffman
Asst. State Conservationist

Cc: Rod Egbarts, Soil Conservationist, NRCS, Salina, Kansas
Alan Boerger, Resource Conservationist, NRCS, Topeka, Kansas
Herman Norwood, District Conservationist, NRCS, Ottawa, Kansas



**United States Department of Agriculture
Natural Resources Conservation Service**

444 Southeast Quincy, Room 190
Topeka, KS 66683-3569

Phone: 785-295-2530
FAX: 785-295-7630
www.ks.nrcs.usda.gov

August 29, 2002

Michael A. Smith
Attorney at Law
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Re: Surface Transportation Board Docket No. AB-6 (Sub-No. 396X)
Burlington Northern and Santa Fe Railway Company Abandonment of Ottawa, Kansas
Trackage.

Dear Mr. Smith:

Thank you for the opportunity to review the proposed railway abandonment project located in Ottawa, Kansas.

Since the area where the railway will be abandoned is located within the city limits of the city of Ottawa, Kansas, there are no negative impacts to prime farmland as defined by the Farmland Protection Policy Act. Furthermore, I see no other negative environmental effects for which the Natural Resources Conservation Service is responsible for evaluating.

If I can be of further assistance, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Alan R. Boerger", with a long horizontal line extending to the right.

Alan R. Boerger
Resource Conservationist

Cc: Rod Egbarts, Soil Conservationist, NRCS, Salina, Kansas
Ken Hoffman, ASTC, NRCS, Manhattan, Kansas
Herman Norwood, District Conservationist, NRCS, Ottawa, Kansas

F



STATE OF KANSAS
DEPARTMENT OF WILDLIFE & PARKS

Operations Office
512 SE 25th Ave.
Pratt, KS 67124-8174
Phone: (620) 672-5911 FAX: (620) 672-6020



July 5, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive Suite 3000
Chicago Il 60606-6677

Ref: D2.0202
Franklin
BNSF Abandonment
Track: 20010303

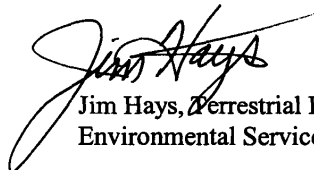
Dear Mr. Nettles:

We have reviewed information submitted for abandonment of 0.21 miles of Burlington Northern and Santa Fe Railway Company trackage in the City of Ottawa, Kansas (mile post 58.05 to mile post 58.26). The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation, and public recreation areas for which this agency has some administrative authority.

We recommend reseeding disturbed areas to permanent grasses where necessary.

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor could we document any potential impacts to currently listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Sincerely,


Jim Hays, Terrestrial Ecologist
Environmental Services Section

JFH:das

xc: Region 5, Tiemann

G



IN REPLY REFER TO:
2800 (NM0901) P

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Amarillo Field Office - Helium Operations

801 South Fillmore, Suite 500

Amarillo, Texas 79101-3545

www.nm.blm.gov

June 11, 2001

Mr. Brian Nettles
Freeborn and Peters
311 South Wacker Drive
Chicago, IL 60606-6677

Dear Mr. Nettles:

With regards to the BNSF's plans to file an exemption to abandon its line of railroad in Ottawa, Kansas (between milepost 58.05 and milepost 58.26) as well as it's line between Columbus, Kansas and the Missouri border, the Bureau of Land Management has no public lands or minerals that would be impacted. The state of Missouri is not within this office's jurisdictional boundaries, and you should contact BLM, Jackson Field Office, in Jackson, Mississippi for information on that portion of the subject line between the Missouri border and Carthage, Missouri.

Sincerely,

Timothy R. Spisak
Amarillo Field Office Manager

H



KANSAS
DEPARTMENT OF HEALTH & ENVIRONMENT
BILL GRAVES, GOVERNOR
Clyde D. Graeber, Secretary

February 15, 2002

Mr. Bryan Nettles
Freeborn & Peters
311 S. Wacker Dr., Ste. 3000
Chicago, IL 60606

Re: Burlington Northern & Santa Fe Railway Co.
Abandonment of the Following Lines:
Ottawa, KS Trackage
Trackage between Columbus, KS and Carthage, MO
Trackage between Wichita and Valley Center

Dear Mr. Nettles:

This Department is in receipt of individual letters for the above three referenced railway trackage abandonments and a request of the information as to whether a section 402 and/or an NPDES permit are required as a result of the proposed abandonment. From the information provided this Department can only indicated that if construction activities for each abandonment exceeds five acres of soil surface disturbance the project will need to submit a Notice of Intent form to be covered by the Kansas general permit for construction stormwater discharges. If construction is expected to continue beyond March 10, 2003 the need to submit a Notice of Intent form for construction stormwater discharge would be reduced to one acre.

Information on the Kansas Notice of Intent form and general permit for construction stormwater discharges can be located at the website at the following address: <http://www.kdhe.state.ks.us/stormwater>.

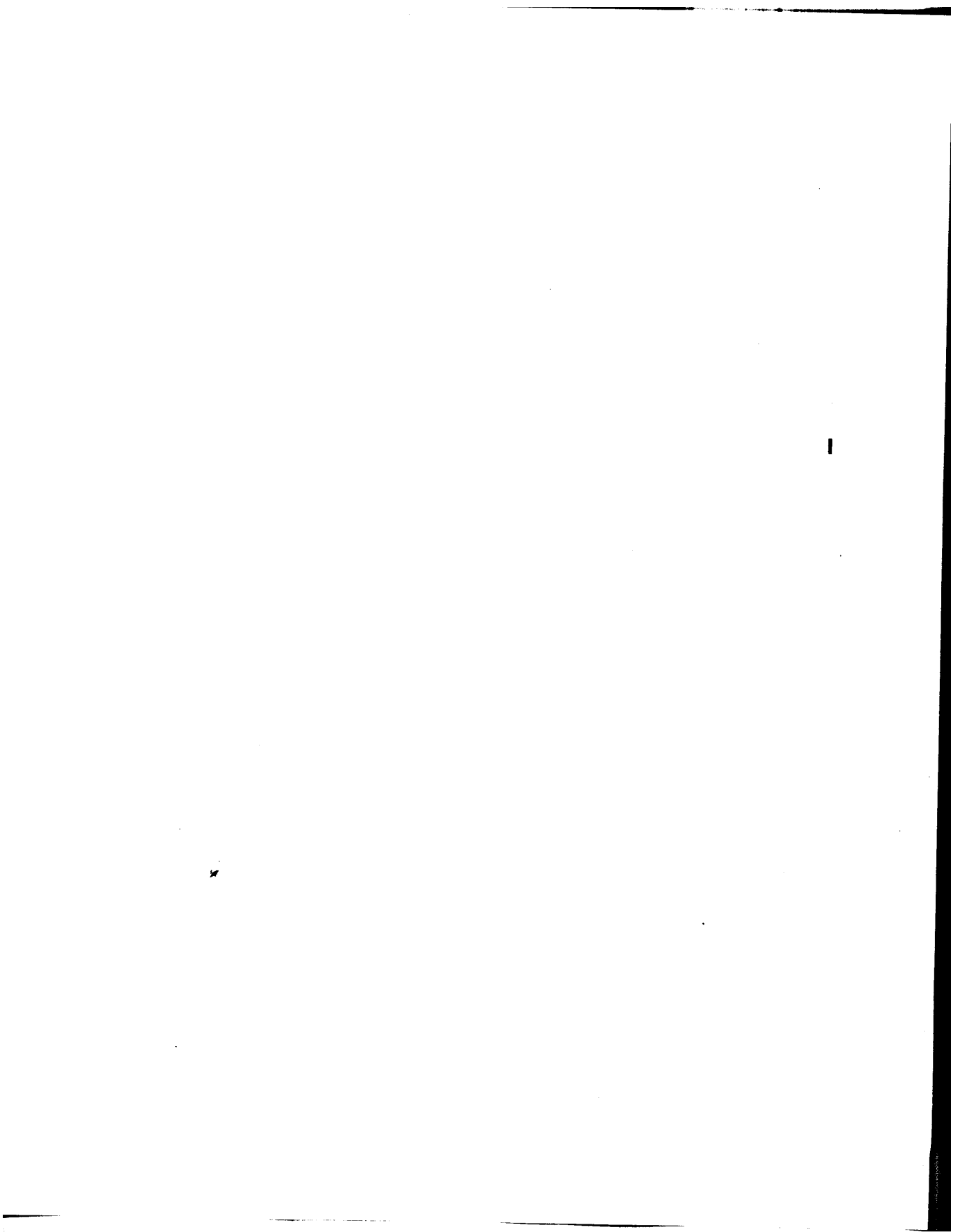
If there any impacts to bridges that during the activity may impede water in the stream you may need to obtain a permit from the Department of Agricultural-Division of Water Resources for the stream crossings.

If you have any additional questions, please contact this office.

Sincerely,

Joe Mester, P.E.
Chief, Industrial Unit
Bureau of Water

dg



STATE OF KANSAS

BILL GRAVES, GOVERNOR
Jamie Clover Adams, Secretary of Agriculture
109 SW 9th Street
Topeka, Kansas 66612-1280
(785) 296-3558
FAX: (785) 296-8389



Division of Water Resources
David L. Pope, Chief Engineer
109 SW 9th Street, 2nd Floor
Topeka, KS 66612-1283
(785) 296-3717 FAX (785) 296-1176

KANSAS DEPARTMENT OF AGRICULTURE

June 21, 2001

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Ste 3000
Chicago, Illinois 60606-6677

RE: DWR A-95 2001.265

Dear Mr. Nettles:

This will acknowledge receipt of a letter and attachments from the Department of the Army dated June 8, 2001 regarding your permit determination concerning the abandonment of approximately .21 miles of railway adjacent to the Marais des Cygnes River located in Section 35, Township 16 South, Range 19 East, Franklin County, Kansas.

If the proposed project includes the construction of any facility, levee, floodplain fill, or other structure which controls, regulates or changes the flood waters of a stream or watercourse in this state, it will be subject to the provisions of K.S.A. 24-126 or 24-105, both of which require plans for the project to be approved by the Chief Engineer of the Division of Water Resources prior to construction.

If the proposed project includes the construction of a dam, or if it in any way changes or diminishes the course, current or cross section of a stream or watercourse in this state, it is subject to the provisions of K.S.A. 82a-301 to 305a, which requires the issuance of a permit and approved by the Chief Engineer prior to construction.

If the pipeline and/or cable crosses a stream with a drainage area greater than 50 square miles, a permit is required, except when the installation is by directional boring or attachment to existing bridging structure. Also, if the proposed crossing is above the original channel bottom, the project will require a permit if the drainage area is 240 acres or more, depending on its geographical location.

The project may require approval from the local community if it is located in an identified Special Flood Hazard Area (floodplain) and the community participates in the National Flood Insurance Program. If the project involves repair of damages or renovation and rehabilitation of structures, and the costs of the repair or renovation exceed 50 percent of the market value of a structure before the damage occurred or the renovation starts, the lowest floor of the repaired or renovated structure may need to be elevated above the base (one percent chance) flood level. If the elevation is accomplished by the placement of fill material in the floodplain, approval of plans for the placement of the fill material may be required from this office. Approval from our office also involves environmental review by other state agencies.

If you have questions regarding water structures, please contact Jean Darrah at (785) 296-2855.

Sincerely yours,

A handwritten signature in cursive script that reads "Bob Lytle".

Bob Lytle
Environmental Scientist
Technical Services Section

RFL:drc

pc: Ms. Iona Branscum, Water Commissioner, Topeka Field Office

J



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - KANSAS
2710 N.E. SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

REPLY TO
ATTENTION OF:

June 8, 2001

Kansas State Regulatory Office
(200101398)
(Franklin, KS, NPR)

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in response to your letter received on June 6, 2001, requesting a Department of the Army (DA) permit determination concerning the abandonment of 0.21 miles of railway adjacent to the Marais des Cygnes River. The project is located in Section 35, Township 16 south, Range 19 east, Franklin County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

Ms. Shannon J. Warner, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Ms. Warner at 316-322-8247 (FAX 316-322-8259).

Copies Furnished:

Environmental Protection Agency,
Water Resources Protection Branch
Kansas Department of Wildlife
and Parks
Kansas Department of Agriculture
Kansas Department of Health and Environment

K



D:\DATA\PSRT.wps

February 25, 2002

Re: BNSF Abandonment/Rail-banking for Recreational Trail Use

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

Mr. Nettles:

Enclosed is a copy of the Flood Insurance Rate map (FIRM) for Ottawa. This map illustrates that the area of trackage proposed for abandonment is in Zone B, the 500-year flood zone. This area is levee protected, with a gate closure at the north end of the (abandoned/banked) BNSF bridge. This gate is located at approximately the south end of the currently proposed abandonment.

Again, the City of Ottawa is interested in banking this right-of-way for trail purposes. Please call if I can help in any manner.

Sincerely,



Andy Haney
Public Works Director

cc: Scott Bird, City Clerk
Bob Bezek, City Attorney
John Merrell, Planning Director

City Hall • 101 S. Hickory • Ottawa, Kansas 66067-2347 • (785) 229-3630 • Fax (785) 229-3639

Oversize Map

L

February 22, 2002

**Freeborn and Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677**

Dear Brian Nettles:

This is a reply to the letter you sent to my department in reference to the Burlington Northern Santa Fe Rail company. The area you showed on the map is within the City limits of Ottawa Kansas. This area is protected by the flood dikes constructed by the Army Corp of Engineers. I don't see that there would be any negative environmental impact from the removal of the tracks in this area.

If you need anything further please contact me at the Franklin County Sheriff's Office, 785-242-3802.

Sincerely,

A handwritten signature in black ink, appearing to read "Jimmie Dean", written over a horizontal line.

Sgt. Jimmie Dean

M



**KANSAS
STATE
HISTORICAL
SOCIETY**



Richard Pankratz
Director
Cultural Resources
Division
tel. ext. 217



6425 S.W. 6th Avenue
Topeka, Kansas
66615-1099
PHONE# (913) 272-8681
FAX# (913) 272-8682
TTY# (913) 272-8683



KANSAS HISTORY CENTER

Administration
Center for Historical Research
Cultural Resources
Education / Outreach
Historic Sites
Kansas Museum of History
Library & Archives

HISTORIC SITES

Adair Cabin
Constitution Hall
Cottonwood Ranch
First Territorial Capitol
Fort Hays
Goodnow House
Grinter Place
Hollenberg Station
Kaw Mission
Marais des Cygnes Massacre
Mine Creek Battlefield

June 11, 2001

Mr. Brian Nettles
Freeborn and Peters
311 South Wacker Drive, suite 3000
Chicago, Illinois 60606-6677

RE: BNSF Abandonment of Ottawa, Kansas, Trackage

Dear Mr. Nettles:

We have reviewed the proposal to abandon the Ottawa, Kansas, trackage from Milepost 58.05 to Milepost 58.26. Alongside this track is the old Santa Fe Railroad Depot, a structure that was listed on the National Register of Historic Places on March 1, 1973. The building, which has a street address of 135 West Tecumseh Street, is used as a museum by the Franklin County Historical Society.

The proposal to abandon the trackage could either have no effect or an adverse effect on the historic building, depending on whether or not the tracks are removed. We would require additional information from the BNSF before we can make our final comments.

Should you have any questions, please contact Dick Pankratz at 785-272-8681, ext. 217.

Sincerely yours,

Ramon Powers
State Historic Preservation Officer

Richard Pankratz
Director, Cultural Resources Division

cc: Surface Transportation Board
Franklin County Historical Society

N



**KANSAS
STATE
HISTORICAL
SOCIETY**

Richard Pankratz
Director

Cultural Resources
Division
tel. ext. 217

6425 S.W. 6th Avenue
Topeka, Kansas
66615-1099
PHONE# (785) 272-8681
FAX# (785) 272-8682
TTY# (785) 272-8683

KANSAS HISTORY CENTER

Administration
Center for Historical Research
Cultural Resources
Education / Outreach
Historic Sites
Kansas Museum of History
Library & Archives

HISTORIC SITES

John Brown Museum
Constitution Hall
Cottonwood Ranch
First Territorial Capitol
Fort Hays
Goodnow House
Grinter Place
Hollenberg Station
Kaw Mission
Marais des Cygnes Massacre
Mine Creek Battlefield
Native American Heritage Museum
Pawnee Indian Village
Pawnee Rock
Shawnee Indian Mission

KSR&C No. 01-06-031

August 8, 2002

Mr. Brian Nettles
Freeborn and Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE: BNSF Abandonment of .21 miles at Ottawa, Kansas

Dear Mr. Nettles:

This letter supersedes our June 11, 2001, letter of comment on the above-referenced project.

The subject project proposes the abandonment of trackage at Ottawa, Kansas, from Milepost 58.05 to Milepost 58.26. Adjacent to that track is the old Santa Fe Railroad Depot, a structure listed on the National Register of Historic Places (March 1, 1973). That building has an address of 135 West Tecumseh Street and is also the museum of the Franklin County Historical Society. The City of Ottawa and the Franklin County Historical Society have requested that the portion of the track in front of the historic depot remain in place.

Representatives of the Burlington Northern Santa Fe (John Sims and Rich Beatty) verbally agreed in a telephone conversation on August 7, 2002, that the BNSF is willing to leave some track in place and will work with the community and the museum to resolve the issue. With that understanding the State Historic Preservation Officer is of the opinion that the proposed project will not affect any historic resources.

Should you have any questions, please contact Dick Pankratz at 785-272-8681, ext. 217.

Sincerely yours,

Mary Allman
State Historic Preservation Officer

Richard Pankratz
Director, Cultural Resources Division

cc: Surface Transportation Board
Franklin County Historical Society